

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

| | | |
|-------------------------|---|-------------------------|
| JAMES SMOTHERS and |) | |
| LORETTA SMOTHERS, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | |
| DELTA COMPANIES, INC., |) | |
| |) | |
| Defendant, |) | |
| |) | |
| and |) | Case No. 06-cv-0608-MJR |
| |) | |
| DELTA COMPANIES, INC., |) | |
| |) | |
| Counterclaim Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| JAMES SMOTHERS, |) | |
| |) | |
| Counterclaim Defendant. |) | |

MEMORANDUM and ORDER

REAGAN, District Judge:

As stated on the record at the September 24, 2007 hearing before the undersigned District Judge, the Court **GRANTS** (without prejudice) James Smothers' motion to withdraw the motion for good faith finding (Doc. 51), **GRANTS** James and Loretta Smothers' oral motion to dismiss this case (to which no party objected), and **DISMISSES** this case **without prejudice**, each party to bear his/her/its own costs.

This results in the **DENIAL AS MOOT** of all other pending motions (Docs. 27, 36, 39, 41, 44, 45, 46, 47, 48, and 49) and the **CANCELLATION** of all other settings

(including the 9/24/07 settlement conference, the 10/5/07 final pretrial conference, and the 10/29/07 jury trial).

IT IS SO ORDERED.

DATED this 24th day of September 2007.

s/ Michael J. Reagan _____

MICHAEL J. REAGAN

United States District Judge